

Public Chapter 284

HOUSE BILL NO. 1495

By Representatives Armstrong, John DeBerry, Pruitt, Larry Turner, Tindell, Kisber, Brown, Dunn, Huskey, Sargent, Ritchie, Bowers, Lois DeBerry, Chumney, McAfee, Wood, Stulce, Head, McDaniel, Burchett, Whitson, Sands, Brooks, Pleasant, Boner, Miller, Hargrove, Davidson, Lewis, Stamps, Patton, Ford, Fitzhugh, Buck, Ridgeway, Maddox, Cross, Ulysses Jones, Brenda Turner, Eckles, Goins, Bittle, Walley, Langster, Godsey, Pinion, Mumpower, Phillips, Cooper, Boyer, Hood, Kent, McDonald, White and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 585

By Senators Gilbert, Atchley, Cohen, Person

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 3; Section 39-14-408 and Title 40, Chapter 8, Part 1, relative to arson offenses, vandalism and rewards for the apprehension and conviction of persons committing certain offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, § 39-14-301, is amended by deleting subsection (b) and by substituting instead the following:

(b)

(1) Arson is a Class C felony.

(2) Arson of a place of worship is a Class B felony.

(3) As used in this subsection, "place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the State Board of Equalization for property tax exemption pursuant to Tennessee Code Annotated, Section 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

SECTION 2. Tennessee Code Annotated, § 39-14-302, is amended by deleting subsection (b) and by substituting instead the following:

(b)(1) Aggravated arson is a Class A felony. It is an enhancement factor by which the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship.

(2) As used in this subsection, “place of worship” means any structure that is:

(A) Approved, or qualified to be approved, by the State Board of Equalization for property tax exemption pursuant to Tennessee Code Annotated, Section 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

SECTION 3. Tennessee Code Annotated, Section 39-14-408, is amended by deleting subsection (c) and by substituting instead the following:

(c)(1) Acts of vandalism are to be valued according to the provisions of §39-11-106(a)(35) and punished as theft under § 39-14-105.

(2) It is an enhancement factor by which the court may increase a defendant’s sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship.

(3) As used in this subsection, “place of worship” means any structure that is:

(A) Approved, or qualified to be approved, by the State Board of Equalization for property tax exemption pursuant to Tennessee Code Annotated, Section 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

SECTION 4. Tennessee Code Annotated, Section 40-8-101, is amended by deleting the section in its entirety and substituting instead the following:

(a) The Governor is authorized to offer a reward for information leading to the apprehension, arrest and conviction of a person or persons who have committed, attempted to commit or conspired to commit a criminal offense in this State. Any such reward offered shall not exceed the following amounts for the following classification of offenses:

(1) Fifty thousand dollars (\$50,000) for an offense that is classified as a Class A or B felony; and

(2) Five thousand dollars (\$5,000) for an offense that is classified as a Class C, D or E felony.

(b) The fifty thousand dollar (\$50,000) and five thousand dollar (\$5,000) reward maximums imposed by subsection (a) of this section shall apply only to State appropriated funds. The Governor may increase the amount of any reward offered by use of funds from the “Reward Pool Fund” created in this part.

(c) When the Governor offers a reward pursuant to this section, the Governor may place any reasonable conditions upon collection of the reward as the Governor deems advisable or necessary.

SECTION 5. Tennessee Code Annotated, Title 40, Chapter 8, Part 1, is amended by adding the following as a new, appropriately designated section:

The Governor is authorized to establish and administer a "Reward Pool Fund" which shall be a special account in the State general fund. All monetary donations or gifts made by private citizens and corporations for the purpose of offering a reward or enhancing a State funded reward offered pursuant to Tennessee Code Annotated, Section 40-8-101, for information leading to the apprehension, arrest and conviction of a person or persons who have committed, attempted to commit or conspired to commit a criminal offense in this State shall be deposited in such fund and invested for the benefit of the fund by the State Treasurer pursuant to § 9-4-603. Amounts in the fund shall not revert to the general fund of the State but shall, together with interest income credited to the fund, remain available for expenditure in subsequent fiscal years. The Governor shall have the sole discretion to determine if and how much of such fund shall be offered in a particular criminal case. However, if the donor places any lawful restrictions or instructions on use of the donation at the time it is given, such restrictions or instructions shall be honored.

SECTION 6. No provision of this act shall constitute an appropriation of money.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.